

Form Number 500

Agency Adjustment Summary

State of Nebraska - Administrative Services - Budget Division

	PAGE NUMBER 1 of 8
	CODE & DESCRIPTION
AGENCY	011 ATTORNEY GENERAL

EXPENDITURE ACCOUNT	ADJUSTMENTS	
	2005-2006	2006-2007
Permanent F.T.E. Positions	4.75	6.75
511100 Permanent Salaries - Wages	230,239	286,990
511200 Temporary Salaries - Wages		
511600 Per Diem Payments		
511900 Supplemental (One-time payments)		
All Other Salaries		
Sub-Total Salaries	230,239	286,990
515100 Retirement Plans Expense	12,283	16,128
515200 OASDI Expense	17,613	21,956
515400 Life and Accident Insurance Expense	43	68
515500 Health Insurance Expense	21,586	37,383
All Other Personal Services		
Sub-Total Benefits	51,525	75,535
510000 Personal Services	281,764	362,525
520000 Operating Expenses	34,931	31,108
570000 Travel Expenses	16,806	22,474
580000 Capital Outlay	7,450	0
590000 Government Aid		
Total Expense	340,951	416,107
Means of Financing		
General Fund	0	0
Cash Fund	75,000	100,000
Federal Fund	164,058	144,414
Revolving Fund	101,893	171,693
Total Funding	340,951	416,107

Program Adjustment Narrative

State of Nebraska – Administrative Services – Budget Division

	CODE	DESCRIPTION
AGENCY	011	ATTORNEY GENERAL
PROGRAM	507	INTERPREATION & APPLICATION OF LAW
REQUEST		

Provide the following information: A) Description of Request; B) Rationale for Request; C) Impact of Request; and, D) Statutory Change if Required.

Revolving Fund & PSL Increase

Reasons:

1. New contract with Public Service Commission for legal services. Services provided to the PSC have increased the last few years, primarily due to additional PSC duties arising from enactment of the Federal Telecommunications Act, which in turn has resulted in State Legislation impacting the PSC's duties and responsibilities in this area. One of the major cases in this regard is a challenge to the constitutionality of the Nebraska Telecommunications Universal Service Fund Act ["NUSF Act"] initiated in 2002. Since the inception of the NUSF Act, the PSC has implemented the Act and collected and disbursed well over \$200 million in NUSF funds. The litigation thus threatens the PSC's continued implementation of the Act and the continued provision of support for universal service. We expended significant effort in successfully defending the NUSF Act in state court and the case is pending on appeal in the Supreme Court. Other PSC telecommunications cases are pending, including a recent challenge to a PSC order applying NUSF requirements on certain VoIP providers. Additionally, the PSC has assumed additional duties under the State Natural Gas Regulation Act, which likely will require the Attorney General's Office to provide additional legal assistance to the PSC in the future.
2. Unforeseen contract changes with Department of Health and Human Services, Risk Management Division, and Department of Environmental Quality.
3. New contract with Department of Health and Human Services for a Child Support Attorney. HHS has requested an Assistant Attorney General to prosecute Child Support Cases.

This is a request for an increase to the Revolving Fund and PSL Spending Authority.

Form Number 520

Program Adjustment Request

State of Nebraska - Administrative Services - Budget Division

PAGE NUMBER 3 of 8

CODE & DESCRIPTION

AGENCY 011 Attorney General

PROGRAM 507

REQUEST

EXPENDITURE ACCOUNT	APPROPRIATIONS		ADJUSTMENTS	
	2005-2006	2006-2007	2005-2006	2006-2007
Permanent F.T.E. Positions			2.75	3.75
511100 Permanent Salaries - Wages			81,239	130,540
511200 Temporary Salaries - Wages				
511600 Per Diem Payments				
511900 Supplemental (One-time payments)				
All Other Salaries				
Sub-Total Salaries	0	0	81,239	130,540
515100 Retirement Plans Expense			5,849	9,398
515200 OASDI Expense			6,215	9,986
515400 Life and Accident Insurance Expense			9	34
515500 Health Insurance Expense			8,581	21,735
All Other Personal Services				
Sub-Total Benefits	0	0	20,654	41,153
510000 Personal Services	0	0	101,893	171,693
520000 Operating Expenses				
570000 Travel Expenses				
580000 Capital Outlay				
590000 Government Aid				
Total Expense	0	0	101,893	171,693
Means of Financing				
General Fund				
Cash Fund				
Federal Fund				
Revolving Fund			101,893	171,693
Total Funding	0	0	101,893	171,693

Program Adjustment Narrative

	CODE	DESCRIPTION
AGENCY	011	ATTORNEY GENERAL
PROGRAM	507	INTERPREATION & APPLICATION OF LAW
REQUEST		

State of Nebraska – Administrative Services – Budget Division

Provide the following information: A) Description of Request; B) Rationale for Request; C) Impact of Request; and, D) Statutory Change if Required.

Cash Fund and PSL Increase

Increase Funding from the Tobacco Enforcement Fund

Reason:

For FY2005-2006, additional tobacco enforcement funding in the amount of \$75,000 is requested for preparation and litigation of whether the State of Nebraska “diligently enforced” its escrow statute applicable to nonparticipating manufacturers in 2003. There is a potential for this issue to be critical to Nebraska’s receipt of its full payment under the MSA in April 2006. There may be several million dollars in MSA payments withheld by participating manufacturers in April 2006, which may necessitate immediate litigation against one or more participating manufacturers.

For FY2006-2007, an additional \$100,000 is requested in tobacco enforcement funds. It is anticipated that the litigation referred to in the preceding paragraph may continue into FY 2007. Additionally, there is potential for the “diligent enforcement” issue to be raised again to withhold significant MSA payments in April 2007. Such a withholding may necessitate additional litigation against participating manufacturers.

Program Adjustment Request

State of Nebraska - Administrative Services - Budget Division

CODE & DESCRIPTION

AGENCY

011 Attorney General

PROGRAM

507

REQUEST

EXPENDITURE ACCOUNT	APPROPRIATIONS		ADJUSTMENTS	
	2005-2006	2006-2007	2005-2006	2006-2007
Permanent F.T.E. Positions			0.00	1.00
511100 Permanent Salaries - Wages			57,000	59,850
511200 Temporary Salaries - Wages				
511600 Per Diem Payments				
511900 Supplemental (One-time payments)				
All Other Salaries				
Sub-Total Salaries	0	0	57,000	59,850
515100 Retirement Plans Expense			4,130	4,310
515200 OASDI Expense			4,360	4,580
515400 Life and Accident Insurance Expense			17	17
515500 Health Insurance Expense			9,493	11,243
All Other Personal Services				
Sub-Total Benefits	0	0	18,000	20,150
510000 Personal Services	0	0	75,000	80,000
520000 Operating Expenses				
520000 Legal Related Expenses				20,000
570000 Travel Expenses				
580000 Capital Outlay				
590000 Government Aid				
Total Expense	0	0	75,000	100,000
Means of Financing				
General Fund				
Cash Fund			75,000	100,000
Federal Fund				
Revolving Fund				
Total Funding	0	0	75,000	100,000

Program Adjustment Narrative

State of Nebraska – Administrative Services – Budget Division

		Page Number 6 of 8
	CODE	DESCRIPTION
AGENCY	011	ATTORNEY GENERAL
PROGRAM	507	INTERPREATION & APPLICATION OF LAW
REQUEST		

Provide the following information: A) Description of Request; B) Rationale for Request; C) Impact of Request; and, D) Statutory Change if Required.

Federal Fund and PSL Increase

Reason:

1. New Federal Grant from U.S. Department of Justice - Office on Violence Against Women awarded to Nebraska Attorney General's Office: "Grants To Encourage Arrest Policies" (GTEAP)

No State Match required for this grant.

This is a request for an increase to the Federal Fund and PSL Spending Authority.

Form Number 520

Program Adjustment Request

State of Nebraska - Administrative Services - Budget Division

PAGE NUMBER 7 of 8

CODE & DESCRIPTION

AGENCY

011 Attorney General

PROGRAM

507

REQUEST

EXPENDITURE ACCOUNT	APPROPRIATIONS		ADJUSTMENTS	
	2005-2006	2006-2007	2005-2006	2006-2007
Permanent F.T.E. Positions			2.00	2.00
511100 Permanent Salaries - Wages			92,000	96,600
511200 Temporary Salaries - Wages				
511600 Per Diem Payments				
511900 Supplemental (One-time payments)				
All Other Salaries				
Sub-Total Salaries	0	0	92,000	96,600
515100 Retirement Plans Expense			2,304	2,420
515200 OASDI Expense			7,038	7,390
515400 Life and Accident Insurance Expense			17	17
515500 Health Insurance Expense			3,512	4,405
All Other Personal Services				
Sub-Total Benefits	0	0	12,871	14,232
510000 Personal Services	0	0	104,871	110,832
520000 Operating Expenses			34,931	11,108
570000 Travel Expenses			16,806	22,474
580000 Capital Outlay			7,450	0
590000 Government Aid				
Total Expense	0	0	164,058	144,414
Means of Financing				
General Fund				
Cash Fund				
Federal Fund			164,058	144,414
Revolving Fund				
Total Funding	0	0	164,058	144,414

Program Adjustment Narrative

State of Nebraska – Administrative Services – Budget Division

	CODE	DESCRIPTION
AGENCY	011	ATTORNEY GENERAL
PROGRAM	507	INTERPREATION & APPLICATION OF LAW
REQUEST		

Provide the following information: A) Description of Request; B) Rationale for Request; C) Impact of Request; and, D) Statutory Change if Required.

Administrative License Revocation (ALR)

Funding is requested for the continuation of a unit in the Attorney General's Office (AGO), which provides legal representation to the Department of Motor Vehicles (DMV) in all Administrative License Revocation (ALR) appeals to the district courts, Nebraska Court of Appeals and Nebraska Supreme Court. The unit consists of three attorneys and one legal assistant.

In 2003, the AGO was requested by the DMV to represent it in ALR appeals to district court then handled by the county attorneys of the county in which the arrest for driving under the influence (DWI) occurred. Concern was expressed by the DMV that it was not being represented consistently in all counties and that in some counties the ALR statutes were not being vigorously and effectively enforced. County attorneys were paid through the miscellaneous claims process, which was cumbersome and time consuming. In 2003, the ALR statute was changed to allow telephonic hearings upon request by either party. The ALR unit in the AGO was funded for three years through federal grants administered by the Nebraska Highway Safety Office (NHSO), however such funding expires on September 30, 2006.

Effective enforcement of the ALR Act results in the swift and fair revocation of the licenses of those persons who drive under the influence of alcohol and thus present a hazard to the health and safety of all persons using the highways. The goals of the ALR unit in the AGO are aimed at achieving more effective enforcement of the ALR Act by: 1) reducing the length of time to resolve a case in district court, 2) reducing the rate of appeals to district court and 3) prevailing in a greater percentage of district court appeals.

The ALR unit of the AGO opened 170 district court cases in the last 6 months of 2003, 353 such cases in 2004 in 50 counties and 328 cases in 2005 (to date) in 47 counties. Although the number of DWI arrests reported has increased each year, the actual percentage of appeals to district court has decreased since 2003. A decrease in the rate of appeals means that the license revocation goes into effect sooner, which increases the safety of the roadways. Additionally, since the AGO has represented DMV in ALR appeals to district courts, the amount of time elapsing prior to disposition of the case in district court has decreased which similarly results in a swifter license revocation and increased highway safety. Prior to representation by the AGO, the DMV indicated that numerous cases were taking in excess of a year to be scheduled for trial in district court. Data maintained by the Nebraska Attorney General's office from October 1, 2004 through June 13, 2005, indicates that ALR cases in district courts were resolved in an average of 2.5 months and the DMV prevailed in 87% of those cases.

The Attorney General's Office requests a fund transfer of \$135,735 from State General Funds to the Administrative License Revocation Cash Fund for FY2006-07.